

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-8, 10-12, 14-17, and 38 are currently pending. Claims 9 and 13 have been canceled without prejudice; and Claims 1-4, 8, 10-12, 14, and 38 have been amended by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, the title of the invention was objected to as being non-descriptive of the claimed invention; Claims 9 and 11-17 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter; Claims 1-3, 8, 11-13, and 38 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,430,361 to Lee (hereinafter “the ‘361 patent”); Claims 9 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘361 patent; Claims 1-3, 8, 11-13, and 38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘361 patent in view of U.S. Patent Application Publication No. 2003/0113096 to Taira et al. (hereinafter “the ‘096 patent”); and Claims 4-7 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

Applicants respectfully submit that the objection to the title is rendered moot by the present amendment to the title.

Applicants respectfully submit that the rejection of Claim 9 under 35 U.S.C. § 101 is rendered moot by the present cancellation of Claim 9. Further, Applicants respectfully submit that the rejection of Claims 11-17 under 35 U.S.C. § 101 is rendered moot by the present amendment to Claim 11. Claim 11 is directed to a recording medium on which content data has been recorded, and recites that a video stream, a first flag, and position information are recorded on the recording medium. Further Claim 11 has been amended to

clarify that the reading and reproduction of the video stream having the plurality of angles is controlled by a reproduction apparatus in accordance with the position information.

Applicants respectfully submit that Claim 11 is directed to functional descriptive material that is recorded on a computer readable medium that is structurally and functionally interrelated to the medium, and imparts functionality to the reproduction apparatus recited in Claim 11. Accordingly, Applicants respectfully submit that amended Claim 11 is directed to patentable subject matter under 35 U.S.C. § 101. See M.P.E.P. § 2106.01 and *In re Lowry*, 32 F.3d 1579 (Fed. Cir. 1994).

Amended Claim 1 is directed to a reproducing apparatus for reproducing content data recorded on a recording medium, the reproducing apparatus comprising (1) reading means for reading, from the recording medium, a video stream, a first flag for each reproduction unit of the video stream, a number of angles that each reproduction unit contains, and position information that represents positions of the angles on the video stream, each first flag indicating whether or not the corresponding reproduction unit can be reproduced with a plurality of angles; and (2) reproducing means for controlling the reading means so that the video stream having the plurality of angles is read in accordance with the position information. Further, Claim 1 has been amended to clarify that each reproduction unit includes a plurality of encode units having one or more frames, and the reading means is configured to read a second flag for each encode unit from the recording medium, each second flag indicating whether or not the current angle can be switched at the beginning of the corresponding encode unit. The changes to Claim 1 are supported by the originally filed specification and do not add new matter.¹

Applicants respectfully submit that the rejection of Claim 1 as anticipated by the '361 patent is rendered moot by the present amendment to Claim 1.

¹ See original Claim 3 and Figures 59A-65B and the discussion related thereto in the specification.

The ‘361 patent is directed to a digital video playback apparatus that reads out first and second video stream data and audio stream data from a recording medium, the apparatus comprising a demultiplexer to separate a signal output into system information, the compressed first and second video stream data recorded from a plurality of different angles; first and second video decoders to expand the first and second compressed video stream data outputs; a key input section to generate first and second angle selection signals; and a switch to select one of the first and second video stream data from the first and second video decoders, respectively. In particular, as shown in Figures 7, 9, and 10, the ‘361 patent discloses a system in which video data can be recorded from multiple viewing angles, and system information wherein the number of angles and the start address of video block and the start address of an audio block are recorded. As shown in Figure 10, the ‘361 patent discloses a process that, based on the number of angles indicated in the system information and the setting of a switch, generates video data corresponding to one of the angles.

However, Applicants respectfully submit that the ‘361 patent fails to disclose that each reproduction unit includes a plurality of encode units having one or more frames, and the reading means is configured to read a second flag for each encode unit from the recording medium, each second flag representing whether or not the current angle can be switched at the beginning of the corresponding encode unit. In a non-limiting example, Applicants refer the Examiner to the flag “is_angle_change_point” shown in Figures 60A-65B. While the ‘361 patent discloses a field indicating the number of angles for a reproduction unit of a video stream, it does not disclose that each production unit includes a plurality of encode units having one or more frames, a plurality of second flags are recorded and read, each second flag indicating whether or not the current angle can be switched at the beginning of the corresponding encode unit, as recited in amended Claim 1. In a non-limiting example, as shown in Figures 60A-65B, the invention recited in Claim 1 provides an indication of the

switchable entry points within a reproduction unit at the encode unit level for switching between different angles. Applicants respectfully submit that the '361 patent does not disclose this functionality, and only allows a user to switch between different angles for those reproduction units that are encoded from different angles.

In this regard, Applicants note that page 4 of the outstanding Office Action again relies on the number of angles field shown in Figure 9 of the '361 patent to read on the second flag recited in original Claim 3. However, Applicants respectfully note that Claim 1 recites a first flag for each reproduction unit, as well as a plurality of second flags, one for each encode unit within a reproduction unit, in addition to a field indicating the number of angles for the reproduction unit. Applicants respectfully submit that it would be unreasonable to read the number of angles disclosed in Figure 9 of the '361 patent on the claimed number of angles field, the first flag for the reproduction unit, as well as the plurality of second flags corresponding to the encode units within a reproduction unit. For the reasons stated above, Applicants respectfully submit that the rejection of Claim 1 is rendered moot and that amended Claim 1 patentably defines over the '361 patent.

Independent Claim 8 is directed to a reproducing method and recites limitations analogous to those recited in Claim 1. Similarly, Claim 10 is directed to a recording medium in which a reproducing program that can be read by a computer device has been recorded and recites functional limitations similar to those recited in Claim 1. Claims 11 and 38 are directed to a recording medium and a reproducing apparatus respectively, but recite the first and second flags recited in Claim 1. For the reasons stated above, Applicants respectfully submit that the rejections of Claims 8, 10, 11, and 38 as anticipated by or unpatentable over the '361 patent are rendered moot by the present amendment those claims.

Applicants respectfully submit that the rejection of Claim 9 as being unpatentable over the '361 patent is rendered moot by the present cancellation of Claim 9.

Regarding the rejection of Claim 1 under 35 U.S.C. § 103(a), the Office Action asserts that the '361 patent discloses everything in Claim 1 with the exception of having separate data fields indicating the number of angles as well as indicating whether or not the corresponding production can be reproduced with a plurality of angles, as recited in Claim 1, and relies on the '096 application to remedy that deficiency.

As discussed above, the '361 patent is directed to a digital video playback apparatus that selectively reproduces video signals recorded in a plurality of different angles. However, as admitted in the outstanding Office Action, the '361 patent fails to disclose separate fields for both the claimed first flag and the number of angles. Moreover, as discussed above, the '361 patent fails to disclose the plurality of second flags for each reproduction unit, as recited in amended Claim 1.

The '096 application is directed to a method for reproducing image information in which a predetermined number of images are selected from multi-image information being formed of image data pieces, including the steps of providing one or more display areas with a predetermined number of images, and displaying the predetermined number of images in the respective display areas. In particular, the '096 application discloses that video data can be recorded and reproduced from multiple angles and that the playback angles can be selected via a playback angle selection menu.² However, Applicants respectfully submit that the '096 application does not disclose a plurality of second flags for each of the encode units in a reproduction unit, wherein a reading means is configured to read the second flag for each of the encode units from the recording medium, each second flag indicating whether or not the current angle can be switched at the beginning of the corresponding encode unit, as recited in amended Claim 1. While the '096 application discloses that certain angles can be permitted or prohibited, the '096 application does not disclose the plurality of second flags at the

² See the '096 application, Figures 31-32.

encode unit level indicating whether the current angle can be switched at the encode level, as recited in amended Claim 1.

Thus, no matter how the teachings of the '361 patent and the '096 application are combined, the combination does not teach or suggest the plurality of second flags for each reproduction unit, wherein the second flags indicate whether or not the current angle can be switched at the beginning of the corresponding encode unit, as recited in amended Claim 1. Accordingly, Applicants respectfully submit that the rejection of Claim 1 is rendered moot by the present amendment to that claim.

As discussed above, Claims 8, 11, and 38 recite limitations analogous to those recited in Claim 1. Accordingly, for the reasons stated above, Applicants respectfully submit that the rejections of Claims 8, 11, and 38 as being unpatentable over the '361 patent and the '096 application are rendered moot by the present amendment to the independent claims.

Thus, it is respectfully submitted that independent Claims 1, 8, 10, 11, and 38 (and all associated dependent claims) patentably define over any proper combination of the '361 patent and the '096 application.

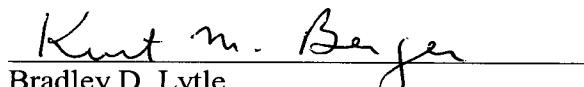
Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)
I:\ATTY\KMB\275\S\275872us\275872us-AM DUE 07-07-08.DOC



Bradley D. Lytle
Attorney of Record
Registration No. 40,073
Kurt M. Berger, Ph.D.
Registration No. 51,461